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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,959	12/27/2006	Antonie Johannes Gelderblom	72998-012300	4582

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EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,959	Applicant(s) GELDERBLOM, ANTONIE JOHANNES	
	Examiner MICHAEL T. VU	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/21/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 01/21/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 1-13 are objected to because of the following informalities:

For example: Independent claim 1, should not be “**A** method for providing a mobile....etc.”

Dependent claims 2-13 should be corrected to read as: “**the** method according to claim 1,.....etc.”

Appropriate correction is required.

Specification

4. The disclosure is objected to because of the following informalities: The specification need the sub-headings such as the Field of the Invention, Back Ground of

Invention, Summary of the Invention, Brief Description of the Drawings, Detailed Description of the Embodiments or Invention etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vestergaard (US 2002/0068574) in view of Jiang (US 2002/0057678).

Regarding claim 1, Vestergaard teaches method for providing a mobile telephony application (protocol [0002-0004]) to a mobile communication device (15) in communication with a first network (10) (Figure #1, PLMN-A, Home Network), comprising the step of transferring information related to the mobile telephony application between the mobile phone (Figure #1, Phone #1) and a second network exchange (6) (Figure #1, PLMN-B, Second/Visit Network), wherein the method comprises the further steps of:

But Vestergaard does not clearly teach retrieving data on information transfer mechanisms supported by the mobile communication device (15); retrieving data on information transfer mechanisms supported by the first network (10); retrieving data on information, transfer mechanisms supported by the second network (5); selecting an

information transfer mechanism supported by the mobile communication device (15), the first network (10) and the second network(5); initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device (15) and the second network exchange (6).

However, Jiang discloses a user of a wireless device initiates a communication session during which a wireless data session can be triggered from a voice session and a voice session can be triggered from a wireless data session. During the communication session, data is shared between the wireless data channel and the voice channel (See Abstract), and Jiang further teaches, in which includes retrieving data on information transfer mechanisms supported by the mobile communication device (See paragraphs [0086, 0134, 0151, 0205]); retrieving data on information transfer mechanisms supported by the first network (See paragraphs [0007, 0086, 0151, 0205, 0410-0411]); retrieving data on information, transfer mechanisms supported by the second network (See [0007, 0086, 0151, 0205, 0410-0411]); selecting an information transfer mechanism supported by the mobile communication device (See [0110-0413]), the first network and the second network (Figure #3, [0069-0072]); initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device and the second network exchange (See paragraphs [0008, 0067-0068, 0087-0088, 0286, 0299]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vestergaad, with Jiang's system such that

retrieving data on information transfer mechanisms supported by the mobile communication device; retrieving data on information transfer mechanisms supported by the first network; retrieving data on information, transfer mechanisms supported by the second network; selecting an information transfer mechanism supported by the mobile communication device, the first network and the second network; initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device and the second network exchange, in order to increase the access network data and services anywhere using portable, and/or wireless devices such as wireless telephones, wireless mobile, wireless portable, and hand-held personal data assistants (PDAs) in different network environments.

Regarding claim 2, Vestergaard and Jiang teach method according to claim 1, in which the first and second networks (10, 5) are geographically separated (See paragraphs [0284-0286] of Jiang).

Regarding claim 3, Vestergaard and Jiang teach method according to claim 1, in which the first and second networks (10, 5) use different communication standards (See paragraphs [0003, 0011, 0067] of Jiang).

Regarding claim 4, Vestergaard and Jiang teach method according to one of the claim 1, in which the information transfer mechanisms are prioritized ([0377, 0383] of Jiang), and the information transfer mechanism allowed by the mobile communication device (15), the first network (10) and the second network (5) having the highest priority is selected ([0377], **&priority=x** (where x =1, 2 or 3; **1 is the most urgent**) of Jiang.

Regarding claim 5, Vestergaard and Jiang teach method according to one of the claim 1, in which the information transfer mechanism comprises **one or more** of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service [0011, 0066, 0072, 0083] of Jiang.

Regarding claim 6, Vestergaard and Jiang teach method according to claim 1, in which the mobile telephony application is a call back application allowing establishment of a connection between the mobile communication device (15) and a further mobile communication device by intervention of the second network exchange (6) (See paragraphs [0083-0086, 0091-0092, 0137, 0260] of Jiang), in which the step of initializing comprises the steps of: a) transferring a request for call back (See paragraphs [0170, 0260, 0277] of Jiang), the number to be called associated with the further mobile communication device and the number of the mobile communication device (15) to the second network exchange (6) (See [0007-0067-0068, 0299] of Jiang); b) accepting the call from the second network exchange (6) to establish the connection (See paragraphs [0007-0067-0068, 0299] of Jiang).

Regarding claim 7, The combination of Vestergaard and Jiang teach method according to claim 6, in which the information transfer mechanism is DTMF (See paragraphs [0011, 0066, 0072, 0083] of Jiang), and the step of transferring comprises the steps of: a1) sending a request for call back to the second network exchange (6) (See paragraphs [0170, 0260, 0277] of Jiang); a2) after receiving a call back form the second network exchange (6) (See paragraphs [0170, 0260, 0277] of Jiang), accepting the connection and transferring the number to be called to the second network

exchange (6) using DTMF (See paragraphs [0011, 0066, 0072, 0083] of Jiang); a3) waiting for the connection' to be established by the second network exchange (6) (See paragraphs [0007-0067-0068, 0299] of Jiang).

Regarding claim 8, The combination of Vestergaard and Jiang teach method according to claim 6, in which the information transfer mechanism is USSD **or** SMS (See paragraphs [0011, 0066, 0072, 0083] of Jiang), and the step of transferring comprises the steps of: a1) sending the request for call back (See paragraphs [0170, 0260, 0277] of Jiang), the number to be called and the mobile communication device identification number to the second network exchange (6) (See paragraphs [0011, 0066, 0072, 0083] of Jiang), in which at least the number to be called is comprised in a USSD message, **or** a SMS message (See paragraphs [0011, 0066, 0072, 0083] of Jiang), respectively; a2) waiting for the connection to be established by the second network exchange (6) (See paragraphs [0007-0067-0068, 0299] of Jiang).

Regarding claim 9, Vestergaard and Jiang teach method according to one of the claim 1, in which the method comprises the further step of detecting a start event by checking **one or more** characteristics of a number entered on the mobile communication device (15) (See paragraphs [0011, 0074-0078] of Jiang).

Regarding claim 10, Vestergaard and Jiang teach method according to claim 9, in which the characteristics comprise the number of digits, **or** a special sequence of digits (See paragraphs [0011, 0074-0078] of Jiang).

Regarding claim 11, Vestergaard and Jiang teach method mobile communication device (15) comprising processing means and memory means connectable to the processing means, in which the processing means are arranged to execute the steps of the method according to claim 1 (See paragraphs [0008, 0067-0068, 0087-0088, 0286, 0299] of Jiang).

Regarding claim 12, Vestergaard and Jiang teach method mobile communication device (15) according to claim 11, in which the memory means comprise a SIM card (16), (see Figure #2, SIM Card #12 and #13) of Vestergaard.

Regarding claim 13, Vestergaard and Jiang teach SIM card (16) comprising a software application, which, when inserted into a mobile communication device (15), provides the mobile communication device (15) with the functionality of the methods according to one of the claim 1, [0001-0004] of Vestergaard.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Vu/
Examiner
AU-2617

/Charles N. Appiah/

Supervisory Patent Examiner, Art Unit 2617